

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 141

STATE ELECTRICAL BOARD

Subchapter 1

Organizational Rules

Rule 24.141.101 Board Organization

Subchapter 2

Procedural Rules

Rule 24.141.201 Procedural Rules

24.141.202 Public Participation

Subchapter 3

Definitions

Rule 24.141.301 Definitions

Subchapter 4

General Provisions

Rule 24.141.401 Board Meetings

24.141.402 Apprentice Registration

24.141.403 Licensee Responsibilities

24.141.404 Pioneer Electrician Certificate

24.141.405 Fee Schedule

Rules 24.141.406 and 24.141.407 reserved

24.141.408 Fee Abatement

DEPARTMENT OF LABOR AND INDUSTRY

Subchapter 5

Licensing

Rule	24.141.501	Electrician Applications
	24.141.502	Temporary Practice Permit
	24.141.503	Examinations
	24.141.504	Licensure by Reciprocity or Endorsement
	24.141.505	Electrical Contractor Licensing
	24.141.506	Master Electrician Qualifications

Subchapters 6 through 20 reserved

Subchapter 21

Renewals and Continuing Education

Rule	24.141.2101	Renewals
	24.141.2102	Continuing Education

Subchapter 22 reserved

Subchapter 23

Unprofessional Conduct

Rule	24.141.2301	Unprofessional Conduct
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Subchapter 24

Complaint Procedures

Rule	24.141.2401	Screening Panel
	24.141.2402	Complaint Procedure

NEXT PAGE IS 24-12507

Sub-Chapter 1

Organizational Rules

24.141.101 BOARD ORGANIZATION (1) The state electrical board hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-68-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; AMD, Eff. 1/3/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1755.)

Sub-Chapter 2

Procedural Rules

24.141.201 PROCEDURAL RULES (1) The state electrical board hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-68-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1755.)

24.141.202 PUBLIC PARTICIPATION (1) The state electrical board hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of ARM Title 8. (History: 37-68-201, MCA; IMP, 2-3-103, MCA; NEW, 1978 MAR p. 1184; Eff. 8/11/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1755.)

Sub-Chapter 3

Definitions

24.141.301 DEFINITIONS For purposes of this sub-chapter, the following definitions apply:

(1) "Full-time employment" means employment wherein the responsible electrician is available to procure, perform, administer, and supervise all electrical work being performed by the electrical contractor.

(2) "Limited electrical contractor" means a licensed electrical contractor limited to residential construction consisting of less than five living units in a single structure.

(3) "Maintenance" means ordinary and customary in-plant or on-site installations, modifications, additions or repairs which shall be limited to relamping fixtures, replacing ballasts, trouble shooting motor controls, replacing motors, breakers, magnetic starters, in kind-for-kind manner. Also included are connection of specific items of specialized equipment that can be directly connected to an existing branch circuit panel by means of factory installed leads. If a new circuit is required to operate the equipment or if the size of the supply conductors needs to be increased, it shall be considered new work if permitted and inspected by the appropriate building code authority.

(4) "Responsible electrician" means the person engaged in a full-time capacity that is responsible for all licensed electrical work performed by the electrical contractor.

(5) "Unlimited electrical contractor" means a licensed electrical contractor that is licensed to perform electrical work on commercial, residential, industrial and institutional electrical installations as covered by the national electrical code.

(History: 37-1-131, 37-68-201, MCA; IMP, 37-68-103, 37-68-201, 37-68-312, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755.)

Subchapter 4

General Provisions

24.141.401 BOARD MEETINGS (1) The quarterly meetings of the State Electrical Board shall be held in the months of July, October, January and April of each year on such dates as may be scheduled by the board.

(2) Special meetings or conference calls of the board shall be held at the call of the president of the board.

(3) Any three members of the board being present shall constitute a quorum for the purpose of transacting any business to come before the board at a regular or special meeting. (History: 37-68-201, MCA; IMP, 37-68-201, MCA; Eff. 12/31/72; AMD, Eff. 12/5/74; AMD, Eff. 12/4/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1996 MAR p. 3039, Eff. 11/22/96; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 2458, Eff. 12/9/05.)

24.141.402 APPRENTICE REGISTRATION (1) Section 37-68-303, MCA, states that the licensing requirements for doing electrical work do not prohibit a person from working as an apprentice in the trade of an electrician with an electrician licensed under the act and under rules made by the board. Pursuant to this authorization, the board specifies, in the remainder of this rule, the conditions under which persons may employ and work as apprentices.

(2) The responsible electrician for a licensed electrical contractor shall be responsible for assuring that all apprentices under their general direction and supervision comply with the requirements of this rule.

(3) In order to be recognized by the board as an apprentice, an applicant shall either:

(a) present evidence of enrollment in an apprentice training program registered by the Apprenticeship and Training Program, Department of Labor and Industry, state of Montana; or

(b) present evidence directly to the board of the individual's enrollment in an apprentice training program which is equivalent to programs of the Montana Department of Labor and Industry. (History: 37-68-201, MCA; IMP, 37-68-303, MCA; NEW, Eff. 12/4/76; AMD, 1979 MAR p. 268, Eff. 3/16/79; AMD, 1980 MAR p. 2590, Eff. 9/12/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 34, Eff. 11/22/96; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 2458, Eff. 12/9/05.)

24.141.403 LICENSEE RESPONSIBILITIES (1) Licensed residential, journeyman or master electricians shall have their license on their person at all times when employed at the trade. A licensed residential, journeyman, master or apprentice electrician who does not have the required proof of licensure while working in the electrical field may be subject to the issuance of a licensing citation under 37-68-316, MCA for failure to provide proof of licensure.

(2) Electrical contractors shall have their contractor's license posted at their place of business.

(3) A licensed residential electrician shall perform work only in the employment of a licensed electrical contractor. A licensed residential electrician shall perform work only on residential construction consisting of less than five living units in a single structure.

(4) A licensed journeyman or master electrician who is not the responsible electrician for a licensed electrical contractor, shall perform work only in the employment of a licensed electrical contractor.

(5) The responsible electrician of a licensed electrical contractor shall not allow any person to perform electrical work unless properly licensed or working with a valid temporary practice permit.

(6) The responsible electrician of a licensed electrical contractor is responsible for timely obtaining any permit or inspection required by the state of Montana or the state or local building code enforcement entity and is responsible for ensuring that the work performed meets the requirements of the state of Montana and the National Electrical Code.

(7) An electrical contractor, master, journeyman, or residential electrician may not allow their license to be used by another individual, firm, corporation or business for the purpose of obtaining electrical permits or for performing electrical work.

(8) An electrical contractor, master, journeyman, or residential electrician may not perform work outside of the scope of their license. (History: 37-1-131, 37-68-201, MCA; IMP, 37-1-308, 37-1-316, 37-1-317, 37-68-301, 37-68-315, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 1397, Eff. 7/29/05.)

24.141.404 PIONEER ELECTRICIAN CERTIFICATE (1) The purpose of a pioneer electrician certificate is to show appreciation for past services and support to the electrical industry.

(2) A pioneer electrician certificate is not a license and does not permit the holder of said certificate to act as a licensed electrical contractor, master, journeyman or residential electrician.

(3) Pioneer electrician certificates will be issued at the discretion of the State Electrical Board. (History: 37-1-131, 37-68-201, MCA; IMP, 37-68-201, MCA; NEW, 1994 MAR p. 951, Eff. 4/15/94; TRANS, from Commerce, 2002 MAR p. 1755.)

24.141.405 FEE SCHEDULE (1) Examination fees are set by the testing agency and vary by examination. Contact the board office for a current schedule of test section fees. Fees are to be paid directly to the testing agency upon the board's approval of an application.

(a) Examination review fee	\$100
(b) Examination administered by the board	200
(2) Application fee for a license by examination (includes original license fee)	120
(3) Contractor - original license fee	250
(4) Renewal fee (two years)	
(a) Contractor	165
(b) Master	70
(c) Journeyman	70
(d) Residential	70
(5) Application by endorsement or reciprocity (includes original license fee)	125
(6) Temporary permit	20
(7) Fees are nonrefundable.	

(8) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-134, 37-1-141, 37-68-201, MCA; IMP, 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-68-304, 37-68-307, 37-68-310, 37-68-311, 37-68-312, 37-68-313, MCA; NEW, 1982 MAR p. 684, Eff. 4/16/82; AMD, 1982 MAR p. 2091, Eff. 11/25/82; AMD, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1988 MAR p. 567, Eff. 3/25/88; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 1999 MAR p. 1200, Eff. 6/4/99; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 325, Eff. 2/25/05; AMD, 2005 MAR p. 2458, Eff. 12/9/05; AMD, 2006 MAR p. 1278, Eff. 5/19/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.141.406 and 24.141.407 reserved

24.141.408 FEE ABATEMENT (1) The State Electrical Board adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2006 MAR p. 1278, Eff. 5/19/06.)

Sub-Chapter 5

Licensing

24.141.501 ELECTRICIAN APPLICATIONS (1) The practical experience requirement set forth in 37-68-304 and 37-68-305, MCA, shall be of such nature as is satisfactory to the board. The board will only accept electrical experience in the construction field. Maintenance work, as defined in ARM 24.141.301, which is exempt under 37-68-103, MCA, will not be accepted towards fulfillment of the practical experience requirement.

(2) For the journeyman license, a maximum of 50% of the electrical experience in the construction field may be residential in nature. The balance must be either commercial, industrial, institutional or a combination thereof.

(3) For the master electrician license, the experience must be either commercial, residential, industrial, institutional or a combination thereof.

(4) An applicant shall have one year from the date of board approval to take the examination for which application was approved. If the examination is not taken within that one year period, the applicant will be required to submit a new application, provide written verification and pay the applicable fees.

(5) All applications must be filed 15 days prior to the next scheduled board meeting. All applications shall be approved or disapproved on a case-by-case basis as the board may deem proper. (History: 37-1-131, 37-68-201, MCA; IMP, 37-68-103, 37-68-201, 37-68-302, 37-68-304, 37-68-305, 37-68-310, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 2830, Eff. 10/17/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 101, Eff. 1/29/82; AMD, 1988 MAR p. 567, Eff. 3/25/88; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 1998 MAR p. 455, Eff. 2/13/98; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755.)

24.141.502 TEMPORARY PRACTICE PERMIT (1) A temporary practice permit may be issued to an applicant for a residential or journeyman electrician license upon completion of an application, submission of verification of experience as required under 37-68-305, MCA, payment of the appropriate fees, and approval by the board or designated board representative. An applicant for a master electrician license may be issued a journeyman temporary permit.

(2) An applicant for a residential or journeyman electrician license may act as an electrician in the category for which an application is approved, as long as the applicant is employed by a licensed electrical contractor and a temporary practice permit has been issued.

(3) A temporary practice permit issued to an applicant for an electrician license shall expire 90 days from the date of issuance or upon receipt of licensure examination results.

(4) A temporary practice permit does not allow a journeyman applicant to act as a responsible electrician for a limited electrical contractor, nor does it permit the applicant to obtain an electrical contractor license. A temporary practice permit allows an applicant only to work under a properly licensed electrical contractor.

(5) An applicant for licensure by endorsement or reciprocity may be issued a temporary practice permit under the conditions above. The temporary practice permit shall expire at such time as the board approves the application and a license is issued or the board denies the application.

(6) A second temporary practice permit may be issued at the discretion of the board, on a case-by-case basis, only to an applicant who has failed the examination with a score of 70 to 74%, is registered to take the next scheduled examination and upon receipt of:

(a) a letter from the applicant requesting a second temporary practice permit and submitting proof of registration to take the next scheduled examination; and

(b) a letter from the employer stating that the applicant is employed and under the supervision of a licensed journeyman or master electrician.

(7) If the applicant does not register for the examination within 90 days, the second temporary practice permit shall expire. (History: 37-1-319, 37-68-201, MCA; IMP, 37-1-305, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 2458, Eff. 12/9/05.)

24.141.503 EXAMINATIONS (1) A person who has failed to pass any examination for which application was made, may, upon the payment of the appropriate fee, take the next scheduled examination. However, if the applicant fails the test a second time they may not take the test again within a six-month period, and in addition, must:

(a) demonstrate to the board by a sworn statement that the applicant has conscientiously studied at least 20 hours in the areas of the examination that were failed;

(b) provide a signed and dated list of the books or materials studied, specifying the name, author, edition (or latest copyright year); and

(c) provide proof of having attended at least one eight-hour electrical code seminar approved by the board, since the initial failure to pass.

(2) In the event an applicant fails to pass any examination three or more times, the applicant must:

(a) wait at least one year from the last failed exam before taking the exam again;

(b) make reapplication to the board;

(c) demonstrate to the board by the applicant's sworn statement that the applicant has conscientiously studied at least 40 hours in all the areas covered by the last exam, 30 hours of which shall have been devoted to those test areas wherein the applicant failed to achieve a passing score;

(d) provide a signed and dated list of the books or materials studied, specifying the name, author, edition (or latest copyright year); and

(e) provide proof of having attended at least two eight-hour electrical code seminars approved by the board.

(3) An applicant who has failed the master or journeyman examination two or more times may apply for and take a lower level licensing examination without obtaining the supplementary education and study hours as set forth in (1) and (2) of this rule.

(4) An applicant who fails to take an examination within 18 months from the date of the last examination that was failed will be required to submit a new application, provide written verification and pay the applicable fees. Upon receipt of a new application, the board will require the applicant to submit the documentation required in (1) or (2) depending on the number of times the applicant has failed the examination.

- (5) All examinations are open book.
 - (a) Candidates may only use:
 - (i) an NEC code book applicable to the examination being given (tabs or indexes may be used in the book);
 - (ii) a silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations; and
 - (iii) copies of the Montana statutes and rules relating to electricians.
- (6) An applicant for an examination who, due to a specific physical, mental, or sensory impairment, requires special accommodation in examination procedures must submit a written request to the board office for the specific accommodation needed.
- (7) Any candidate who takes an examination and does not pass the examination may request a review of the examination.
 - (a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.
 - (b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.
- (8) The procedure for requesting an informal review of examination results is as follows:
 - (a) The request must be made in writing to the board office and received within 20 days of the date of the examination and must request a rescore of the examination.
 - (b) The following procedures apply to review of the results of the examination:
 - (i) The candidate will be allowed two hours to review the examination.
 - (ii) The candidate must identify the challenged questions of the examination and must state specific reasons why the results should be modified with the NEC code book and/or Montana statutes and rules supporting the candidate's position.
 - (iii) Within 15 days of the candidate's review, the department will review the examination and candidate's justification and notify the candidate in writing of the department's decision.

(9) Anyone determined by the board to be cheating on an examination or using inappropriate material/equipment during an examination will fail and be required to wait at least one year and reapply for licensure before being allowed to reexamine. All such reexaminations will be administered by the department in Helena, Montana, require a written examination fee, and the candidate will be required to apply and schedule the examination with the board office.

(10) Examination appeals must be submitted and reviewed by the full board at its next regularly scheduled meeting. (History: 37-1-131, 37-68-201, MCA; IMP, 37-68-201, 37-68-304, 37-68-305, MCA; NEW, 1988 MAR p. 567, Eff. 3/25/88; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 2458, Eff. 12/9/05.)

24.141.504 LICENSURE BY RECIPROCITY OR ENDORSEMENT (1) The board may, on a case-by-case basis, enter into a reciprocity agreement with another state or jurisdiction whose requirements are substantially equivalent or greater than the standards of this state for purposes of issuing a license as a residential or journeyman electrician.

(2) The board may issue a license by endorsement to an applicant provided that the applicant:

- (a) files a completed application with the required fees;
- (b) holds a current, valid and unrestricted license to practice in the category applied for in another state or jurisdiction;
- (c) supplies a copy of the laws and rules in effect at the time of application to this state which shows that the standards in that state are equivalent to or greater than the standards in effect in this state; and
- (d) provides official written verification directly from the other state(s) or jurisdiction(s) that the license has been held by the applicant for one year, that the license is active, that the license is in good standing, and that the test score received was equal to or greater than 75.

(3) A license that was issued by a city, county, or other similar municipality will not be considered for licensure by reciprocity or endorsement.

(4) The Montana electrical board does not reciprocate or endorse master electrician or electrical contractor licenses. (History: 37-1-131, 37-68-201, MCA; IMP, 37-1-304, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755.)

24.141.505 ELECTRICAL CONTRACTOR LICENSING (1) An applicant for an original license or renewal of an electrical contractor license shall submit a completed application, appropriate fees, and certification of the following:

- (a) worker's compensation coverage as required under 39-71-101, MCA; and
- (b) unemployment insurance coverage as required under 39-51-101, MCA.

(2) The board shall issue a limited electrical contractor license to an applicant who submits the required documentation listed in (1) above and there is a licensed journeyman designated on a form prescribed by the board as the responsible electrician.

(3) The board shall issue an unlimited electrical contractor license to an applicant who submits the required documentation listed in (1) above and there is a licensed master designated on a form prescribed by the board as the responsible electrician.

(4) An owner of an unlimited electrical contracting business not licensed as a master electrician, must employ a master electrician on a full-time basis. No holder of a master electrician's license shall be named as the responsible electrician for more than one unlimited electrical contractor.

(5) An owner of a limited electrical contracting business not licensed as a journeyman electrician shall employ a journeyman electrician on a full-time basis. No holder of a journeyman electrician's license may be named as the responsible electrician for more than one electrical contractor.

(6) A responsible electrician who leaves the employment of a licensed electrical contractor, for whatever reason, must provide written notification to the board office of that fact, within 10 working days. The licensed electrical contractor must provide the board office within 10 working days, on a prescribed form, of the change of responsible electrician. Failure to name another responsible electrician within 10 working days shall be cause for suspension of the electrical contractor license and cause for revocation.

(7) A licensed master or journeyman electrician, in the case of residential construction, may be relieved from further responsibility under any application or permit if the electrician has left or been discharged from the employment of an electrical contractor or owner, provided the electrician sends a notice in writing to that effect within 10 working days to the state electrical board and the state or local building code enforcement entity, whichever is applicable. (History: 37-1-131, 37-68-201, MCA; IMP, 37-68-312, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755.)

24.141.506 MASTER ELECTRICIAN QUALIFICATIONS (1) An applicant for a master electrician's license shall furnish evidence satisfactory to the board that the applicant meets one of the following requirements:

(a) the applicant is a graduate electrical engineer from an accredited college or university and has at least one year of journeyman level experience;

(b) the applicant is a graduate of a two year minimum electrical trade school and has at least four years of practical journeyman level experience; or

(c) the applicant has five years of journeyman level experience in planning, layout and supervising the installation and repair of wiring apparatus for electrical light, heat and power.

(2) The journeyman level experience required by (1)(a), (b) or (c) must be obtained by a combination of residential, commercial and industrial work. No less than 20%, but no more than 50% of the required experience may be obtained by residential work. (History: 37-1-131, 37-68-201, MCA; IMP, 37-1-131, 37-68-201, 37-68-301, 37-68-304, MCA; NEW, 2004 MAR p. 1024, Eff. 4/23/04; AMD, 2005 MAR p. 325, Eff. 2/25/05.)

Sub-Chapters 6 through 20 reserved

Subchapter 21

Renewals and Continuing Education

24.141.2101 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) The renewal date is set by ARM 24.101.413.

(3) The provisions of ARM 24.101.408 apply. (History: 37-1-131, 37-1-141, 37-68-201, MCA; IMP, 37-1-141, 37-68-310, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.141.2102 CONTINUING EDUCATION (1) Each master, journeyman, and residential electrician license shall not be renewed unless the continuing education requirements imposed by this rule have been met, prior to the renewal date set by ARM 24.101.413. Any licensee who fails to fulfill the continuing education requirements imposed by this rule shall cause the license to lapse. It is unlawful for a person whose license has lapsed to perform electrical work in this state. For reinstatement after the license has lapsed, the applicant shall have completed the continuing education requirements, certified that fact to the board, and met all other renewal requirements.

(2) To receive credit for continuing education, the following requirements must be met:

(a) Courses or seminars must have prior approval of curriculum by the State Electrical Board or designated board representative. Each course shall be assigned a course approval number by the board to be listed on the certificate of completion. Board approval of said courses and seminars expires August 1 of each license renewal year.

(b) The course sponsor is responsible to ensure that instructors are credentialed as one or more of the following:

- (i) graduate electrical engineer licensed as an electrician;
- (ii) Montana licensed electrician with additional training in related subject areas;
- (iii) community college or vo-tech instructor with board-approved electrical credentials;
- (iv) certified teacher with board-approved electrical credentials;
- (v) certified electrical apprentice instructors;
- (vi) certified electrical inspectors; and
- (vii) electrical continuing education instructors from other areas as approved by the board.

(c) Representatives of the department or State Electrical Board shall be able to attend and monitor the courses or seminars without charge.

(d) Maintaining a record of completion certificates for courses or seminars and the hours attended shall be the responsibility of the licensee. An audit of completion certificates may be requested by the board or designated board representative at any time. A minimum of eight hours each licensed year must be obtained per renewal cycle. All of the requisite hours may be obtained during any portion of the renewal cycle. A minimum of four of the eight hours shall be verified as being on the National Electrical Code updates.

(e) Curriculum of courses or seminars shall be on the National Electrical Code updates, or other subjects related to the electrical industry. Approval of course curriculum shall be at the discretion of the board. Board approval will contain a breakdown for the course or seminar regarding type of credit hours (code or industry). The breakdown must be included on the completion certificate.

(f) Credit for courses or seminars will be given in a minimum of four-hour increments.

(g) Request for approval of courses or seminars must be made no later than the board meeting next preceding the seminar.

(h) The board must be notified 15 days prior as to the time and place of every course or seminar.

(i) In general, courses should be designed for advancing knowledge or skills of trained individuals; basic courses or apprentice type courses will not be approved.

(j) Certificates required by (d) above must contain the following:

(i) date of course;

(ii) location of course;

(iii) title of course including date of prior approval by the board;

(iv) name of instructor;

(v) name of sponsoring agency;

(vi) name of person completing the course;

(vii) State Electrical Board approval number; and

(viii) breakdown of code and/or industry related credit hours.

(3) Continuing education courses approved by another state which has a reciprocal licensing agreement with the board will be honored toward renewal. The reciprocal state's course approval number and date of course must appear on the completion certificate.

(4) Completion certificates must be submitted within 30 days upon request by the board office for the purpose of licensing renewal audits. Failure to supply continuing education completion certificates when requested by the board office shall be cause for disciplinary actions. (History: 37-1-131, 37-1-319, 37-68-201, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, 37-68-201, MCA; NEW, 1988 MAR p. 567, Eff. 3/25/88; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 1998 MAR p. 455, Eff. 2/13/98; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2006 MAR p. 1612, Eff. 5/19/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Subchapter 22 reserved

Subchapter 23

Unprofessional Conduct

24.141.2301 UNPROFESSIONAL CONDUCT (1) In addition to the activities set forth in 37-1-316, MCA, the following activities are also deemed by the board to be unprofessional conduct:

(a) failing to correct violations of the Montana State Electrical Code as adopted by the Department of Labor and Industry's Building Codes Bureau, after having received proper notice and adequate time to do so, as determined by the inspector involved in light of the seriousness of the violation(s) and other similarly relevant considerations;

(b) being adjudicated under Title 39, MCA, by the court or agency having jurisdiction, as having violated any workers' compensation, unemployment insurance, or independent contractor law in Montana while engaged in the electrical trade; and

(c) failure to comply with continuing education requirements set forth in ARM 24.141.2102.

(2) Upon findings of unprofessional conduct as defined in (1) and determined in accordance with the Montana Administrative Procedure Act, the board may impose sanctions, including but not limited to those allowed by and listed in 37-1-312, MCA.

(3) For purposes of this rule, the term "Montana State Electrical Code" is defined as the edition of the National Electrical Code or any other model electrical code which is adopted and/or as it may be modified by the Department of Labor and Industry's Building Codes Bureau for use as a construction standard in and by Montana's electrical industry. (History: 37-1-131, 37-1-136, 37-1-319, 37-68-201, MCA; IMP, 37-1-307, 37-1-316, 50-60-601, 50-60-603, 50-60-604, MCA; NEW, 2006 MAR p. 1278, Eff. 5/19/06.)

Subchapter 24

Complaint Procedures

24.141.2401 SCREENING PANEL (1) The board screening panel shall consist of two board members, who shall be a journeyman and/or master electrician member of the board, and a public member of the board, who shall be appointed by the board chairman. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion. (History: 37-68-201, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 1998 MAR p. 455, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 1755.)

24.141.2402 COMPLAINT PROCEDURE (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the board.

(3) Upon receipt of a signed complaint form, the board office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

(5) The screening panel will not consider anonymous complaints. (History: 37-68-201, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755.)